

Introduction

- [1] On December 21, 2023 the Landlord filed a *Landlord Application to Determine Dispute* (Form 2(B)) (the "Application") with the Residential Tenancy Office (the "Rental Office"). The Application was filed *ex parte* by the Landlord pursuant to clause 43(6) of the *Residential Tenancy Act* (the "Act").
- [2] The Representative submitted into evidence one item listed as abandoned by the Tenant.
- [3] The Representative served the itemized list to the Tenant pursuant to clause 43(5) of the *Act*.
- [4] On January 12, 2024 a teleconference hearing was held before a Residential Tenancy Officer (the "Officer"). The Representative appeared, representing the Landlord. The Tenant did not appear as the Application was made *ex parte*.

Issue to be Decided

- i. Is the Landlord entitled to an order permitting the disposal of the listed personal belongings of the Tenant?

Summary of the Evidence

- [5] In April 2023 the Landlord and the Tenant entered into a written fixed term tenancy agreement for the Residential Property. Rent was \$2,200.00 due on the first day of the month. A security deposit of \$2,200.00 was required and paid.

Landlord's Evidence and Submissions

- [6] The Representative submitted into evidence a photograph of the listed item. The Representative testified that they tried to contact the Tenant on numerous occasions about their items left in the Residential Property. The Representative testified that the Tenant vacated in November 2023, and returned on December 4, 2023 to collect personal items.
- [7] The Representative testified that the Tenant left behind a large printer. The Tenant has not yet come to collect it and the Representative testified that they would attempt to contact the Tenant again after the hearing.

Analysis

- [8] Subsection 43(2)(a) and (b) of the *Act* states:

Where a tenant abandons or vacates a rental unit and leaves personal property on the residential property, the landlord shall either

*remove the personal property and immediately place it in safe storage; or
store the personal property on the residential property in a safe manner.*

- [9] Subsection 43(4) of the *Act* states:

The personal property required to be stored under subsection (2) shall be stored for not less than one month or a lesser period ordered by the Director, unless the tenant takes possession of the personal property before the applicable period has elapsed.

[10] Subsection 43(7) of the *Act* states:

The Director may, on application by a landlord under section 75, authorize the landlord to dispose of personal property referred to in subsection (2) prior to the end of the applicable storage period required under subsection (4) where the Director believes on reasonable grounds that

- (a) the personal property has no monetary value;*
- (b) the cost of removing, storing or selling the personal property would be more than the proceeds of the sale; or*
- (c) the storage of the personal property would be unsanitary or unsafe.*

[11] The Officer has reviewed the inventory list, photograph and considered the testimony from the Representative. The Officer finds that the personal property has remained in the Residential Property since December 4, 2023 and that the Landlord has stored the item safely for over a month.

[12] Therefore, the Officer allows the Application. The Tenant has until 1:00 p.m. on January 22, 2024 to collect the personal property. If the Tenant fails to collect the personal property by the time and date mentioned above the Landlord may dispose the listed item through the solid waste disposal system any time after 1:00 p.m. on January 22, 2024.

Conclusion

[13] The Application is allowed.

[14] The Tenant has until 1:00 p.m. on January 22, 2024 to contact the Landlord and/or the Representative to arrange a time to collect and remove the personal property listed in the inventory list.

[15] The Landlord may dispose of the personal property listed in the inventory list through the solid waste disposal system any time after 1:00 p.m. on January 22, 2024.

IT IS THEREFORE ORDERED THAT

- A. The Landlord may dispose of the personal property listed in the inventory list through the solid waste disposal system any time after 1:00 p.m. on January 22, 2024.

DATED at Charlottetown, Prince Edward Island, this 17th day of January, 2024.

(sgd.) Cody Burke
Cody Burke
Residential Tenancy Officer

NOTICE

Right to Appeal

This Order can be appealed to the Island Regulatory and Appeals Commission (the “Commission”) by serving a Notice of Appeal with the Commission and every party to this Order within **20 days of this Order**. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.

Filing with the Court

If no appeal has been made within the noted timelines, this Order can be filed with the Supreme Court of Prince Edward Island and enforced as if it were an order of the Court.